FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

WRIT PETITION NO. 6638 OF 2002

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.

Court's or Judge's orders

Mr.A.V. Anturkar for Petitioner.

Mr.S.R. Nargolkar, A.G.P. for Respondent Nos. 1 and 2.

CORAM : F.I. REBELLO &
S.P. KUKDAY,JJ.
DATED : JANUARY 28, 2005

P.C.

. Rule. Heard forthwith.

. The Petitioner had earlier raised two grievances. One was to the action of Respondent No. 2 in not agreeing to the appointment of the Petitioner as Professor and second was in respect of the appointment to the post of Principal. On instructions, the learned counsel for the Petitioner states that the petitioner has since retired, after holding the post of Principal and he is not pressing for the said relief. The only issue that remains

is therefore, in so far as appointment of the Petitioner to the post of Professor.

. On behalf of the Respondent Nos. 1 and 2 the learned counsel contends that considering the rules, it was incumbent upon the Respondent No. 3 to have finalised the list of seniority of Lecturers. The post of lecturer is feeder post for appointment to the post of Professor. In the absence of Respondent NO. 3 finalizing the seniority list, Respondent NO. 2 could not grant approval to the appointment of the Petitioner as Professor. Considering the narrow controversy, ends of justice will be met if the following direction are issued :

(1) The Respondent No. 3 now administered by the Administrator to finalise the seniority list of Lecturers if it was not finalised at the time name of the petitioner was forwarded for appointment to the post of Professor. All Lecturers then in the list should be given notice of finalisation of the seniority list before the seniority list is finalised. That exercised should be completed within the period of four months from the copy f this order being served on Respondent No. 3 by

the Petitioner.

(2) The Administrator of Respondent No. 3 on finalisation of seniority list to forward the same to the Respondent No. 2 within 15 days of such finalisation. The Respondent No. 2 on receipt of finalised seniority list to take decision on the grant of approval to the petitioner to the post of professor.

(3) If the petitioner is approved to the post of Professor, he should be granted all consequential benefits to which he would have been entitled to as professor.

(4) If the claim of the petitioner is rejected, liberty to the petitioner to challenge the same before competent forum which he may be entitled to.

. Rule made absolute accordingly. No order as to costs.

(F.I. REBELLO,J.)

(S.P. KUKDAY,J.)